

South Atlantic Fishery Management Council

Overview of Snapper Grouper Amendment 16 (8/5/08)

Background

During its June 2007 meeting, the South Atlantic Fishery Management Council (Council) received notice that overfishing was occurring for **gag grouper** and **vermilion snapper**. The overfishing status is based on SEDAR (Southeast Data, Assessment, and Review) stock assessments and supported by the Scientific and Statistical Committee. Under the Magnuson-Stevens Fishery Conservation and Management Act, the Council must prepare a plan amendment or proposed regulations to end overfishing within a one-year period from the date of notification of overfishing; the Council was notified June 12, 2007.

Amendment 16 is designed to end overfishing for gag and vermilion snapper. The amendment contains several management alternatives to achieve this goal, including alternatives to specify interim allocations between recreational and commercial fishermen and to address bycatch mortality. The amendment also specifies total allowable catch (TAC), updates management reference points for gag and vermilion snapper (such as Maximum Sustainable Yield and Optimum Yield) and allows the Regional Administrator of the National Marine Fisheries Service (NMFS) to adjust management measures pending the outcome of a new benchmark assessment for vermilion snapper.

In order to end overfishing, reductions are necessary in the harvest for both gag and vermilion snapper. Combined commercial and recreational gag annual landings averaged 1,083,888 pounds (gutted weight) from 2004 – 2006. Amendment 16 would reduce those annual landings to 694,000 pounds (gutted weight) beginning in 2009. For vermilion snapper, the combined annual landings from 2004-2006 averaged 1,505,139 pounds (gutted weight). Annual landings for vermilion snapper would be reduced to 566,179 pounds (gutted weight).

The percent reductions necessary for each sector are dependent upon *interim allocations* chosen for recreational and commercial sectors. For example, the Council's preferred interim allocation for gag (51% commercial and 49% recreational) will require a 35% reduction in the commercial harvest and a 37% reduction in the recreational harvest. For vermilion snapper, the preferred interim allocation alternative (68% commercial and 32% recreational) will require a 58% reduction in harvest for the commercial sector and 69% reduction for the recreational sector.

Timeline of Amendment 16 Development to Date:

- **SEDAR Stock Assessments:** (1) Gag benchmark assessment 2006; (2) Vermilion snapper benchmark 2003, assessment update 2007, and benchmark update *ongoing* (2008);
- **June 12, 2007** – Council receives notice from NMFS of need to address overfishing status of gag and vermilion snapper within one-year period by completing an amendment to end overfishing immediately;
- **September 4-17, 2007** - Public scoping meetings held from Wilmington, NC to Marathon, FL;
- **March 2008** – Council approves Amendment 16 for public hearings
- **May 7-15, 2008** – Public hearings held for Amendment 16 from Key Largo, FL to New Bern, NC;
- **June 2008** – Council receives public comments and defers approval of Amendment 16; ***adds 4 new management alternatives;***

(Timeline *Continued*)

- **July/August 2008** – Public comment period reopens on all management alternatives, including the 4 new alternatives. Council comment period ends **August 15, 2008**.
- **August 1, 2008** – Supplemental Draft Environmental Impact Statement (SDEIS) completed with analysis of the 4 additional alternatives, SDEIS comment period open until **September 15, 2008**.
- **August 7, 8, and 12, 2008** – Additional public hearings for Amendment 16 held in conjunction with those scheduled for Shrimp Amendment 7 (rock shrimp permits and economic data collection);
- **September 15-19, 2008** – Council meeting in Charleston, SC; Council scheduled to review comments and approve Amendment 16 for submission to the Secretary of Commerce for review and approval; the Council will take public comments before final approval during the September Council meeting.

Management Alternatives and Public Comment

Below is a *summary* of the Council's preferred management alternatives and four new alternatives currently included in draft Amendment 16. Please note that *additional* management alternatives are included in Amendment 16 and are also summarized in the SDEIS. **The Council is soliciting public input on ALL of the alternatives included in Amendment 16 until August 15, 2008.** (See page 4 for information on how to submit comments).

Summary of the Council's Preferred Management Alternatives

(Note: all pounds are in gutted weight)

Gag Grouper:

- (1) Define **interim allocations** based upon landings at 51% commercial and 49% recreational. This alternative would establish a commercial quota of 353,940 pounds and a recreational allocation of 340,060 pounds;
- (2) **Spawning season closure January through April for both commercial and recreational sectors**; no fishing for and/or possession of gag would be allowed. *In addition*, no fishing for and/or possession of the following species would be allowed: black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney (shallow water groupers). (**NOTE:** this alternative has been divided into separate alternatives for consideration – one for the commercial sector and a separate but equal alternative for the recreational sector);
- (3) **Establish a directed commercial quota** of 352,940 pounds (quota after post-quota bycatch mortality has been subtracted and including the January-April gag closure) for 2009 onwards until modified. After the commercial quota is met, all purchase and sale of shallow water groupers would also be prohibited; and
- (4) **Reduce the 5-grouper aggregate recreational bag limit** to a 3-grouper aggregate bag limit, reduce the existing bag limit from 2 gag or black grouper to 1 gag or black grouper within the grouper aggregate bag limit, and **exclude the captain and crew on for-hire vessels from possessing a bag limit for groupers.**

Vermilion Snapper:

- (1) Define **interim allocations** based upon landings at 68% commercial and 32% recreational. This alternative would establish a commercial quota of 385,002 pounds and a recreational allocation of 181,177 pounds; and
- (2) **Establish a directed commercial quota** of 328,002 pounds for vermilion snapper based on an interim allocation of 68% commercial and 32% recreational. After the commercial quota is met, all purchase and sale is prohibited and harvest and/or possession is limited to the bag limit;
- (3) **Divide the directed vermilion snapper commercial quota into seasons.** Allocate the directed commercial quota 50% to the period January 1st through June 30th and 50% to the period July 1st through December 31st. Any remaining quota from period 1 would transfer to period 2. Any remaining quota from period 2 would not be carried forward. The directed commercial quota for January-June would be 168,501 pounds and for July-December would be 155,501 pounds; and
- (4) **Adjust the recreational bag/size limit and establish a recreational closed season;** no fishing for and/or possession of vermilion snapper would be allowed during the closed season; and captain and crew on for-hire vessels would not be able to retain vermilion snapper. Preferred: **Retain the 12" total length size limit and reduce the bag limit from 10 to 4 vermilion snapper and a seasonal closure (no fishing for and/or possession) October through May 15th.**

Other Alternatives/Actions:

- (1) **Reduce recreational and commercial bycatch mortality** of snapper grouper species by **requiring venting and dehooking tools.** (Note: the Council changed its preferred alternative at the June 2008 meeting, eliminating a requirement for non-stainless steel circle hooks);
- (2) Allow the NMFS Regional Administrator to **make adjustments to management measures for vermilion snapper.** This will allow the Regional Administrator to make adjustments based on the new vermilion snapper SEDAR benchmark assessment that will be finalized in December 2008.

Additional/New Alternatives

The Council added the following alternatives to Amendment 16 during its June 2008 meeting. A Supplemental Draft Environmental Impact Statement (SDEIS) is available that includes analysis of these alternatives. The Council has **NOT** selected any of the alternatives below as their preferred.

- (1) Establish a **commercial trip limit of 1,000 pounds for gag** with a **fishing year start date of May 1.** In addition, during **March and April**, no fishing for and/or possession of the following species would be allowed: gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney;
- (2) Establish a **commercial trip limit of 1,000 pounds for gag** with a **fishing year start date of January 1.** In addition, during **February, March, and April** no fishing for and/or possession of the following species would be allowed: gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney;

(New Alternatives *Continued*)

- (3) **South of the Miami-Dade/Monroe County line**, no fishing for and/or possession of the following species would be allowed during **June 1 – December 31**: gag, black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney. **No fishing for or possession of gag would be allowed year-round** south of the Miami-Dade/Monroe County line. Fishing for black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney **would be allowed January 1 through May 31 for Monroe County**. Alternative 4 would apply to **both commercial and recreational** fisheries; and
- (4) Implement a **May 1 fishing year start date** for the **commercial vermilion snapper** fishery and a **1,000-pound trip limit**.

Reminder! In addition to all of the alternatives listed previously in this summary, **additional management alternatives are included in Amendment 16 for your consideration**. Please refer to the April 2008 Public Hearing version of draft Amendment 16 as well as the SDEIS for a complete listing of alternatives, background data, rationale, and analysis (including biological, economic, and social analysis).

Public Hearings

Note: Public hearings will take place between 3:00 PM and 7:00 PM. Council staff will discuss issues and provide answers to questions. Council members will there to take your comments and all comments will be recorded for later distribution to members of the Council.

Schedule:

- **Thursday – August 7, 2008** – Hyatt Regency Jacksonville Riverfront, 225 Coast Line Drive, East – Jacksonville, FL 32202; phone 904/588-1234
- **Friday – August 8, 2008** – Radisson Resort at the Port, 8701 Astronaut Boulevard, Cape Canaveral, FL 32920; phone 321/784-0000
- **Tuesday, August 12, 2008** – Hilton Garden Inn Airport, 5265 International Boulevard, N. Charleston, SC 29418; phone 843/308-9331

How to Submit Comments

In addition to the public hearing comments, the Council is accepting written comments for Amendment 16 until 5:00 pm, **August 15, 2008**. Copies of the Supplemental Draft Environmental Impact Statement (SDEIS) for Amendment 16 and other supporting documents are posted on the Council's web site at www.safmc.net, and may also be obtained from the Council office. Comments should be addressed to: Bob Mahood, Executive Director, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, Charleston, SC 29405. Email Snapper Grouper Amendment 16 comments to: SGAmend16SecondPH@safmc.net.

Comments on the SDEIS (containing the 4 new alternatives) are being accepted until September 15, 2008. Comments should be submitted to NMFS. You may submit comments by any of the following methods:

- Electronic Submissions: Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record and will generally be posted to <http://www.regulations.gov> without change. Mail: Jack McGovern
NOAA Fisheries Service
Southeast Regional Office
Sustainable Fisheries Division
263 13th Avenue South
St. Petersburg, Florida 33701
- Fax: 727-824-5308, Attention: Jack McGovern
- Additional details can be found in the NMFS Fishery Bulletin FB08-044 posted at <http://sero.nmfs.noaa.gov>.

After the Comment Period Ends – *What Happens Next?*

The Council will meet again September 15 – 19, 2008 in Charleston, South Carolina. All comments received on Amendment 16 during the open comment period will be included in the briefing book materials for the meeting. All SDEIS comments received by 5 pm on September 15th will be provided to the Snapper Grouper Committee and Council. The Snapper Grouper Committee will review the public comments, review the analysis of alternatives in the SDEIS, review the SDEIS comments, and make recommendations to the full Council. The Council is scheduled to approve Amendment 16 during the September meeting. Before making any final decision on Amendment 16, a final public comment period will be held. Information about the comment period will be included in the final agenda for the September meeting and posted on the Council's web site as soon as it becomes available. If approved, the Council will, by the end of September, send Amendment 16 for review by the NMFS and final approval by the Secretary of Commerce. The NMFS review process will include additional public comment periods and notification will be published by NMFS through Fishery Bulletins and on their web site at: <http://sero.nmfs.noaa.gov>. The date for implementation of the regulations in Amendment 16 is unknown at this time but will occur sometime during 2009.

A Few Frequently Asked Questions:

Q. *I don't agree with any of these measures. The current regulations are good enough. I want to vote for Alternative 1 "NO ACTION". Can't the Council just leave things the way they are?*

A. The short answer is No. As required by federal mandates, the "no action" alternative must be analyzed in all of the Council's Fishery Management Plans and amendments. The "no action" alternative provides a basis for comparison to the impacts of the proposed action and reflects a range of the impacts that could occur. In Amendment 16, the "no action" alternative would not satisfy Congressional mandates outlined in the Magnuson-Stevens Fishery Conservation and Management Act as well as the objectives of the FMP, because *they would not end overfishing within the one-year period*. The Council must take action to reduce harvest and end overfishing immediately as required by the Magnuson Act.

Q. *Why are all of the other species of fish being included in the proposed seasonal closures for gag grouper (black grouper, red grouper, scamp, red hind, rock hind, yellowmouth grouper, tiger grouper, yellowfin grouper, graysby, and coney)? Is this really necessary?*

(FAQ *Continued*)

A. Like gag, these other shallow water species are vulnerable to overfishing because they change sex, many are long lived, and some species (e.g. gag, black grouper, scamp, red hind, and tiger grouper) are known to form spawning aggregations at locations known to fishermen. Therefore, extending the spawning season closure to other shallow water groupers could have positive biological effects including protecting spawning aggregations, increasing the percentage of males, enhancing reproductive success, and increasing the magnitude of recruitment. In addition, black grouper and red grouper are currently listed as undergoing overfishing.

Q. *Why is the Council holding only three public hearings and none in North Carolina, Georgia, or in South Florida/FL Keys?*

A. In addition to receiving written comments, it was decided to also take public comments during previously scheduled public hearings for Shrimp Amendment 7. The Council held a full round of public hearings on Amendment 16 in May 2008 that included hearings from New Bern, North Carolina to Key Largo, Florida. Similarly, the Council held a series of public scoping meetings in September 2007. Given the limited amount of time between the June and September Council meetings this year, it was decided to only hold three hearings at the same date/location as those previously scheduled for Shrimp Amendment 7.

Q. *I've heard about an "Interim Rule" that could put regulations into place before Amendment 16 is implemented. What is this and how could it impact my fishing activities?*

A. During its June meeting, the Council approved a motion directing NMFS to draft language for an Interim Rule to "close the harvest of red snapper and implement reductions in fishing mortality as specified in the preferred alternatives in Amendment 16 for gag grouper, vermilion snapper, black grouper, and red grouper." An Interim Rule is a *temporary measure* that can be used to implement regulations for a period of 180 days upon approval. An extension of 186 days is possible while the Council develops amendments, in this case Amendments 16 and 17, to end overfishing. *An Interim Rule can only be used to address overfishing.* The results of the SEDAR stock assessment for red snapper in the South Atlantic were presented to the Council in June 2008, and indicated the stock is experiencing overfishing at very high levels. In addition to addressing overfishing of **red snapper**, the Council added **gag grouper, vermilion snapper, black grouper, and red grouper** for consideration in the Interim Rule because they are all experiencing overfishing.

While a closure is suggested for red snapper, the preferred management alternatives outlined in Amendment 16 would be considered for an Interim Rule for gag, vermilion snapper, black grouper, and red grouper. **The Council will review the language for the Interim Rule during its September 2008 meeting and decide if they wish to pursue such a measure.** It has been the Council's intent in developing Amendment 16 to have measures in place to end overfishing by January 1, 2009.

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